

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

U.S.A. vs. Andrew Mark Thompson

Docket No. 5:08-CR-291-1F

Petition for Action on Supervised Release

COMES NOW Linwood E. King, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Andrew Mark Thompson, who, upon an earlier plea of guilty to Interfering With a Flight Crew, was sentenced by the Honorable James C. Fox, Senior U.S. District Judge, on April 1, 2009, to time served. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 36 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall perform 300 hours of community service as directed by the probation office and if referred for placement and monitoring by the State of North Carolina, pay the required \$200 fee.
2. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
3. The defendant shall abstain from the use of any alcoholic beverages, shall not associate with individuals consuming alcoholic beverages, shall not frequent business establishments whose primary product to the consumer is alcoholic beverages, and shall not use any medication containing alcohol without the permission of the probation office or a prescription from a licensed physician.
4. The defendant shall participate in a program of mental health treatment, as directed by the probation office.
5. The defendant shall abide by all conditions and terms of the home detention program for a period not to exceed 180 consecutive days. The defendant shall be restricted to his residence at all times except for pre-approved and scheduled absences for employment, education, religious activities, treatment, attorney visits, court appearances, court obligations or other activities as approved by the probation officer. The defendant shall wear an electronic monitoring device and follow electronic monitoring procedures specified by the probation officer. The defendant shall pay for electronic monitoring services as directed by the probation officer.

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6. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.
7. The defendant shall cooperate in the collection of DNA as directed by the probation officer.

Andrew Mark Thompson was released from custody on April 1, 2009, at which time the term of supervised release commenced.

On November 16, 2009, the court extended the offender's term of home confinement for a period of 30 days due to previous non-compliant behavior.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

The defendant is currently being supervised in the Eastern District of New York by Senior U.S. Probation Officer Tanya M. Parris. According to Officer Parris, the defendant was arrested by New York City Police Department officers on April 16, 2010, and charged with Operating a Motor Vehicle While Under the Influence of Alcohol and Drugs; Aggravated Unlicensed Operation of a Motor Vehicle; Failure to Obey Traffic Control Signal; Uninspected Motor Vehicle; and Unlicensed Operator. The arresting officer reported that the defendant was initially stopped after he was observed driving his SUV through a steady red light. Thompson reportedly had slurred speech, red watery eyes, and a odor of alcoholic beverage on his breath. The defendant ultimately refused to submit to a blood alcohol test. When questioned by USPO Parris about this arrest, Thompson reported that the arresting officers allegedly pushed him to the ground; placed him in a choke hold; and assaulted him. Officer Parris recommends that the offender be placed in a residential re-entry center (RRC) for 90 days to serve as an intermediate sanction for his non-compliant behavior.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. For a period of 90 days, the defendant shall reside in a Residential Re-Entry Center (RRC) approved by the Probation Department. While in the RRC, the defendant shall adhere to all rules and conditions established by the RRC, including the payment of subsistence costs.

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Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Michael C. Brittain
Michael C. Brittain
Senior U.S. Probation Officer

/s/ Linwood E. King
Linwood E. King
U.S. Probation Officer
310 New Bern Avenue, Room 610
Raleigh, NC 27601-1441
Phone: (919) 861-8682
Executed On: June 7, 2010

ORDER OF COURT

Considered and ordered this 8th day of June, 2010, and ordered filed and made a part of the records in the above case.

James C. Fox
James C. Fox
Senior U.S. District Judge